

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 06-59446

WALLACE A. GILBERT, JR., *pro se*, and
RENEE GILBERT, *pro se*,

Chapter 13

Judge Thomas J. Tucker

Debtors.

**ORDER DISMISSING CASE WITH 180-DAY BAR, AND DENYING AS MOOT
DEBTORS' APPLICATION TO PAY FILING FEE IN INSTALLMENTS**

On December 29, 2006, Debtor filed (1) a voluntary petition for relief under Chapter 13; (2) an "Application To Pay Filing Fee In Installments" (Docket # 6); and (3) a Certificate of Credit Counseling (Docket # 4), which indicated that Debtors had received "an individual [or group] briefing . . . that complied with 11 U.S.C. §§ 109(h) and 111" on March 21, 2006. The Court must dismiss this case for several reasons.

First, Debtors are not eligible to be debtors in the case because they did not receive their individual or group briefing "during the 180-day period preceding the date of the filing their Chapter 13 petition." *See* 11 U.S.C. § 109(h)(1). The briefing they received on March 21, 2006 occurred more than 180 days before December 29, 2006.

Second, Debtors have failed to comply with an Order of this Court in a prior case. Debtors had previously, on November 8, 2006, filed a voluntary petition for relief under Chapter 13, initiating Case No. 06-56424. In that case, on December 1, 2006, the Court entered an "Order Conditionally Dissolving Show Cause Order" (Docket # 22), which required Debtors to "pay to the Clerk of this Court, no later than January 3, 2007, the full amount of the filing fees due for th[at] case [(Case No. 06-56424)] (\$274.00) and the unpaid filing fees still owing for the

Debtors' two prior cases (\$274.00 filing fee owing for Case No. 06-40578; and \$274.00 filing fee owing for Case No. 05-89902)." The Order provided: "If Debtors pay this total of \$822.00 in filing fees to the Clerk on or before January 3, 2007, the show-cause Order will be dissolved. If Debtors do not meet this requirement, this Chapter 13 case will be dismissed, with a 180-day bar to re-filing." On December 22, 2006, the Court entered a text order dismissing Case No. 06-56424, for reasons unrelated to the unpaid filing fees. Thereafter, Debtors failed to comply with the Court's December 1, 2006 Order requiring the payment of filing fees, and to date still have not done so.

Due to Debtors' failure to file a Certificate of Credit Counseling that complies with 11 U.S.C. § 109(h)(1) in this case, and Debtors' failure to comply with the Court's December 1, 2006 Order in Case No. 06-56424,

IT IS ORDERED that this case is dismissed for cause under 11 U.S.C. § 707(a).

IT IS FURTHER ORDERED that Debtors are barred and enjoined from filing any case under the Bankruptcy Code (Title 11 of the United States Code) for a period of 180 days from the date of this Order. Debtors, therefore, may not file another bankruptcy before July 10, 2007.

IT IS FURTHER ORDERED that Debtors' "Application To Pay Filing Fee In Installments" (Docket # 6) is DENIED as moot.

Signed on January 11, 2007

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge